

### **REMARKS**

The remarks are in response to an Office communication mailed from the United States Patent and Trademark Office on February 7, 2005, by Examiner Lacourciere which characterized a reply filed on November 18, 2004, by Applicants of the above-mentioned application as not being fully responsive to the prior Office Action.

Specifically the communication contends that the

“reply filed November 18, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed November 18, 2004 is not a proper amendment because the claims do not accurately reflect all the changes made to the claims relative to the prior pending version of the claims. For example, in claim 249, the phrase ‘said double stranded structure’ has been indicated as deleted, however, the prior version of the claims did not recite a double stranded structure.”

Applicants contend that our reply filed November 18, 2004, was fully responsive, and that claim 249 was properly amended.

Applicants thank Examiner Vivlemore, the current examiner of the above mentioned application, for her prompt and helpful telephone discussion in response to Applicant’s inquiry of February 23, 2005, regarding the Office communication. We have followed the Examiner’s suggestion of responding to the Office communication by explaining why the reply filed November 18, 2004, is fully responsive. Contrary to the assertion on the Office communication, claim 249 was properly amended.

On March 23, 2004, Applicant simultaneously filed an RCE and as a submission for the RCE a set of amended claims. This submission was entered by the USPTO as

indicated in the last sentence of the first paragraph of page 2 of the office action mailed June 14, 2004. This last sentence reads:

“Applicant’s submission filed on 03-23-2004 has been entered.” No subsequent amendments were filed.

The recitation of claim 24 in said submission is as follows:

249. (Currently Amended) The oligoribonucleotide of Claim 221, wherein said double-stranded ~~region~~ structure is fully complementary to less than the full length of an RNA transcript of a mammalian target gene.

A first office action on the RCE was mailed from the USPTO on June 14, 2004. In Applicant’s reply to the office action, filed November 18, 2004, claim 249 was amended as follows:

249. (Currently Amended): The oligoribonucleotide of Claim 221, ~~wherein said double-stranded structure~~ wherein said one strand of said dsRNA is fully complementary to less than the full length of an RNA transcript of a mammalian target gene.

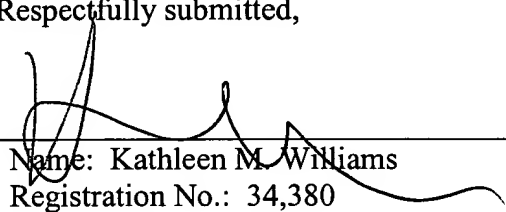
Since Claim 24 has been properly amended, the nonresponsive letter mailed February 7, 2005, is clearly in error. Applicant would appreciate reconsideration of the Office communication mailed February 7, 2005, as well as prompt consideration of the amendment/response filed November 18, 2004.

***Conclusion***

Applicants submit that in view of the foregoing remarks, all issues relevant to patentability raised in the Office Action have been addressed. Applicants respectfully request the withdrawal of rejections over the claims of the present invention.

Respectfully submitted,

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